

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Boynton Beach Firefighters' Pension,

Case No. 3:16cv1106

Plaintiff,

-vs-

NOTICE  
CASE MANAGEMENT CONFERENCE

HCP, Inc., et al.,

Judge Jeffrey J. Helmick

Defendant.

This case is subject to the provisions of Local Civil Rule 16.1 of the Northern District of Ohio entitled "Differentiated Case Management" (DCM). Counsel are expected to familiarize themselves with any applicable Local Civil Rules and Federal Rules of Civil Procedure.

On evaluation of the case, it shall be assigned in accordance with LCivR 16.1 to one of the case management tracks defined in LCivR 16.2(a). Each track (expedited, standard, complex, mass tort and administrative) has its own guidelines and time lines governing discovery, motion practice and trial.

Unless otherwise ordered, discovery shall be guided by LCivR 26.1 *et seq.* and motion practice shall be guided by LCivR 7.1 *et seq.*

More detail on Judge Helmick's case management practices and trial procedures can be found at the Court's website: [www.ohnd.uscourts.gov](http://www.ohnd.uscourts.gov).

**SCHEDULING OF CASE MANAGEMENT CONFERENCE**

The Case Management Conference (CMC) shall be held on **July 18, 2016 at 10:30 a.m.** before Judge Jeffrey J. Helmick, in Room 210, Ashley Courthouse, 1716 Spielbusch Avenue, Toledo, Ohio.

If prior to the CMC, the parties have engaged in settlement discussions, or anticipate or desire doing so at the CMC, counsel should notify Chambers at (419) 213-5690, so that either sufficient time will be available on the date for the CMC, as set herein, or another date and time for the CMC can be set.

All local counsel, including those in the metropolitan area, are expected to appear in person for the CMC, except in extraordinary circumstances. If out-of-town counsel desire, they may participate by telephone by notifying chambers at least three business days before the conference at (419) 213-5690 or [Helmick\\_Chambers@ohnd.uscourts.gov](mailto:Helmick_Chambers@ohnd.uscourts.gov). Parties are not required to attend the conference.

If the case is resolved prior to the CMC, counsel shall timely notify the Judge's Chambers.

### **TRACK RECOMMENDATION**

Pursuant to LCivR 16.2(a), and subject to further discussion at the CMC, the Court recommends the following track: standard.

### **APPLICATION OF FEDERAL CIVIL RULE 26(a)**

Rule 26(a) mandates required disclosures in lieu of discovery requests unless otherwise stipulated or directed by order of the court or by local rule. In this case, all disclosures mandated by Rule 26(a) shall apply, including Initial Disclosures, Expert Testimony, and Pre-Trial Disclosures. If not exchanged not later than ten days before the CMC, the disclosure shall occur on or before a date agreed to by all counsel. Failing agreement, the date for disclosures will be set at the CMC.

Prior to the CMC, parties may undertake such informal or formal discovery as mutually agreed. Absent such agreement, no preliminary formal discovery may be conducted prior to the CMC except as necessary and appropriate to support or defend against any challenges to jurisdiction or claim for emergency, temporary, or preliminary relief, or as may otherwise be ordered on motion.

Local Civil Rule 30.1 governs the conduct of depositions. Counsel shall comply with this Rule.

### **PREPARATION FOR CMC BY COUNSEL**

The general agenda for the CMC is set by LCivR 16.3(b).

Counsel for plaintiff shall arrange with opposing counsel to hold the meeting required by Fed. R. Civ. P. 26(f) and LCivR 16.3(b). A Report, in substantially the form of Attachment 1, shall be filed electronically at least **ONE WEEK** before to the CMC.

**FILING OF DISCOVERY MATERIALS**

Unless otherwise ordered, initial disclosures, discovery materials shall not be filed with the Clerk, except where submitted as evidence in support of a motion or for use at trial.

GERI M. SMITH,  
Clerk of Court

/s/ Amy L. Schroeder  
Courtroom Deputy for Judge Jeffrey J. Helmick

ATTACHMENT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

,

Case No.

Plaintiff,

REPORT OF PARTIES'  
PLANNING MEETING  
JUDGE

-vs-

,

Defendant.

1. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on  
, and was attended by:

\_\_\_\_\_ Counsel for Plaintiff(s)

\_\_\_\_\_ Counsel for Defendant(s)

2. The parties:

\_\_\_\_\_ Have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and the Court's prior  
order; or

\_\_\_\_\_ Will exchange such disclosures by

3. The parties recommend the following track:

\_\_\_\_\_ Expedited \_\_\_\_\_ Standard \_\_\_\_\_ Complex

\_\_\_\_\_ Administrative \_\_\_\_\_ Mass Tort

4. This case \_\_\_\_\_ is / \_\_\_\_\_ is not suitable for one or more of the following Alternative  
Dispute Resolution ("ADR") mechanisms:

\_\_\_\_\_ Early Neutral Evaluation \_\_\_\_\_ Mediation \_\_\_\_\_ Arbitration

\_\_\_\_\_ Summary Jury Trial \_\_\_\_\_ Summary Bench Trial

5. The parties \_\_\_\_\_do/\_\_\_\_\_do not consent to the jurisdiction of the United States  
Magistrate Judge pursuant to 28 U.S.C. 636(c).

If you are consenting to the jurisdiction of the United States Magistrate Judge, please contact the Judge's Chambers (419-213-5690) prior to the Case Management Conference. A Consent to the Exercise of Jurisdiction will then be issued for signature by all parties and the case will be sent to the Magistrate Judge for the Case Management Conference and all further proceedings.

6. The parties agree that this case \_\_\_\_\_ does / \_\_\_\_\_ does not involve electronic discovery.

7. Recommended Discovery Plan (Counsel are reminded to review the default standard for e-discovery set forth in Appendix K to the Local Rules):

(a) Describe the subjects on which discovery is to be sought, the nature and extent of discovery and any potential problems: \_\_\_\_\_

\_\_\_\_\_

(b) Describe anticipated e-discovery issues (i.e., what ESI is available and where it resides; ease/difficulty and cost of producing information; schedule and format of production; preservation of information; agreements about privilege or work-production protection, etc.):

\_\_\_\_\_

(c) Describe handling of expert discovery (i.e., timetable for disclosure of names and exchange of reports, depositions): \_\_\_\_\_

\_\_\_\_\_

(d) Discovery Deadlines:

(i) Liability: \_\_\_\_\_

(ii) Damages: \_\_\_\_\_

8. Recommended dispositive motion date: \_\_\_\_\_

9. Recommended cut-off for amending the pleadings and/or adding additional parties:

\_\_\_\_\_

10. Recommended date for status hearing and/or final pretrial settlement conference:

11. Other matters for the attention of the Court:

\_\_\_\_ Attorney for Plaintiffs:

s/

\_\_\_\_ Attorney for Defendants:

s/